

Zoning Board of Adjustment Meeting

December 7, 2005

The December 7, 2005 regular called meeting of the Zoning Board of Adjustment was held in the Community Room at the McConico Building, located at 301 W. Bagdad Street. With a quorum present, Chairman Keith A. Hickman called the meeting to order at 5:30 p.m. Also present for roll call were Vice Chairman Terry Hagood, Board Member Carol Hearn, Board Member John Moman, and Board Member Tim Haynie, Jr. Staff included Tom Martin, Director of Transportation, Susan Brennan, Planning Coordinator, Bernadette Hayes, Senior Planner, Nicole Crutchfield, Principal Planner, and Charlie Crossfield, City Attorney.

3. Approval of the October 3, 2005 meeting minutes.

Board Member Hearn noted a change to Item 3, specifically stating "Carol Hearn" should be stricken from the first sentence.

Motion to approve as amended by Board Member Moman, second by Board Member Hearn to approve the October 3, 2005 minutes with correction.

AYE: Carol Hearn, Tim Haynie, Jr., John Moman, Terry Hagood, Keith Hickman. NAY: None. Motion carried unanimously.

4.A. Consider public testimony regarding an application filed by Jay Hanna, acting as the owner's agent, to request a variance pursuant to Section 11.308 of the Zoning Ordinance. The variance is to allow the proposed Legends Village Section 2, Phase 2 Subdivision amenity center to have its principal vehicular entrance and exit on a local street, instead of on the required collector street. The subject property is described as being a 3.465 acre tract of land out of the P. A. Holder Survey, Abstract No. 297 situated in Williamson County, Texas and being all of the proposed Lot 60A, Block A of the Legends Village, Section 2, Phase 2, Williamson County, Texas, application no. 05-005-ZBA.

Chairman Hickman opened the public hearing.

Ms. Hayes presented the staff report. Seeing no one else, Chairman Hickman closed the public hearing.

4.B. Consider a motion regarding the application for a variance pursuant to the Zoning Ordinance, proposed Legends Village Section 2, Phase 2 Subdivision amenity center to have its principal vehicular entrance and exit on a local street, instead of on the required collector street. The subject property is described as being a 3.465 acre tract of land out of the P. A. Holder Survey, Abstract No. 297 situated in Williamson County, Texas and being all of the proposed Lot 60A, Block A of the Legends Village, Section 2, Phase 2, Williamson County, Texas, application no. 05-005-ZBA.

Board Member Hearn asked what kind of development is being proposed for the subject property.

Ms. Hayes stated although a portion of the subject property is in the floodplain, therefore limiting development, she believed the property would contain a pool, playground, and grass area.

Chairman Hickman asked if Staff had a recommendation.

Ms. Crutchfield stated Staff was advised by the City Attorney to not give a recommendation for ZBA cases in general due to the quasi-judicial nature of the board.

Chairman Hickman asked for clarification regarding the intent of ordinance related to the variance request.

Mr. Martin stated the intent of the ordinance was to reflect a way to have the street carry the large amount of traffic that will be coming to the particular facility. He indicated this facility, as it is designed, is localized to the subdivision that is in place, and there was no place to put a collector to access the facility.

Board Member Hearn asked if the ordinance specifically requires a collector, or if it can be a collector or higher.

Mr. Martin stated it could be a collector or higher.

Board Member Hearn asked if there was a higher classification access point available.

Mr. Martin stated sometime in the future, Arterial A may be there; however, Arterial A is intended for the general public, not the local neighborhood. Mr. Martin confirmed that St. James is the only access in and out of amenity center.

Board Member Hearn asked if there were amenity centers in other sections of the subdivision.

Ms. Hayes replied no and indicated the proposed amenity center will serve approximately 292 homes.

Chairman Hickman asked if additional parking would be required in order to avoid parking in front of homes.

Ms. Crutchfield stated parking standards as required per the ordinance.

Representing the applicant was Gina Diehl of Pape Dawson Engineers (arrived at 5:40 p.m.). Ms. Diehl stated the proposed amenity area would contain a pool, playground, and the required parking. In addition, she indicated the floodplain area would not be filled.

Concern regarding the size of the pool and how it would relate to parking was also discussed.

Motion by Board Member Moman, second by Board Member Hearn to approve the variance request. Vice-Chair Hagood proposed to amend the motion to include deferring parking requirements to Staff at the time of site plan submittal, subject to their (Staff's) approval. Second by Board Member Hearn.

AYE: John Moman, Terry Hagood, Tim Haynie, Jr., Carol Hearn, Keith Hickman. NAY: None. The motion carried unanimously.

4.C. Consider public testimony regarding an application filed by Ian Foley for a variance pursuant to Section 11.308 of the Zoning Ordinance. The variance is to permit a carport in the street yard, and to permit that structure to encroach approximately 19 feet into the 35 foot front building line. The subject property is described Lot 11, Block C of the Greenslopes at Lakecreek Section 2 Subdivision, also known as 1203 Greenlawn Boulevard, application no. 05-006-ZBA

Chairman Hickman opened the public hearing.

Ms. Crutchfield presented the staff report. Ms. Crutchfield stated if the Zoning Board of Adjustment grants the requested variance, Staff would recommend the following conditions:

1. The granting of this variance shall condition the carport to be a temporary structure. Consequently, the construction or removal of the carport will not structurally affect the existing house.
2. The carport shall be reviewed upon transfer of title to a new homeowner.
3. The variance will be acknowledged by the City and the current owner will record the variance document at the Williamson County Courthouse. This will ensure the removal of the carport upon transfer of title.

Seeing no one else, Chairman Hickman closed the public hearing.

4.D. Consider a motion regarding the application for a variance pursuant to the Zoning Ordinance, to permit a carport in the street yard, and to permit that structure to encroach approximately 19 feet into the 35 foot front building line. The subject tract of land is located at 1203 Greenlawn Boulevard application no. 05-006-ZBA.

Board Member Hearn suggested the City record the variance and not rely on the current homeowner to do so.

Ms. Crutchfield concurred.

Board Member Hearn stated she does have issues with allowing structures to be built in the setback.

Motion by Vice-Chair Hagood , second by Board Member Haynie to approve the variance request subject to the conditions enumerated by Staff, amending condition number 3 to state the City shall record the variance document with Williamson County .

AYE: John Moman, Terry Hagood, Tim Haynie, Jr., Keith Hickman. NAY: Carol Hearn. The vote was 4-1. The motion carried.

5. NEW BUSINESS:

NONE

6. PLANNER REPORT AND BOARD MEMBER COMMENTS

Vice-Chair Hagood asked if denying requests for variances involving persons with disabilities could be appealed to the State.

Mr. Crossfield replied no. He also explained the process of filing the variance documentation with the County.

Vice-Chair Hagood asked Mr. Crossfield for the reason why staff does not make a recommendation in their staff report.

Mr. Crossfield explained that staff should only give you the facts. He added, the staff does not want to make the decision for you.

7. ADJOURNMENT

Being no further business the meeting was adjourned at 6: 43 PM.

Respectfully Submitted,

Nicole B. Crutchfield
Principal Planner